

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

DEBORAH PRICE
1101 Fenmore Drive
Cincinnati, OH 45237

Plaintiff,

V.

PMAB, LLC
c/o CT Corporation System
1300 East 9th Street
Cleveland, Ohio 44114,

Defendant.

) Case No: 1:14-cv-846
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) JURY DEMAND REQUESTED
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) **VERIFIED CIVIL COMPLAINT**
) **(Unlawful Debt Collection Practices)**
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VERIFIED COMPLAINT

PLAINTIFF, Deborah Price (Plaintiff), by her attorneys, KAHN AND ASSOCIATES, L.L.C., alleges the following against DEFENDANT, PMAB, LLC (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, *15 U.S.C. 1692 et seq.* (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to *15 U.S.C. 1692k(d)*, which states that such actions may be brought and heard before “any appropriate United States district court without regard to the amount in controversy,” and *28 U.S.C. 1367* grants this court supplemental jurisdiction over the state claims contained therein.
3. Because Defendant conducts business in Ohio, personal jurisdiction is established.

4. Venue is proper pursuant to 28 *U.S.C. 1391(b)(2)*.

PARTIES

5. Plaintiff is a natural person who resides in the City of Cincinnati, Hamilton County, Ohio and is allegedly obligated to pay a debt, and Plaintiff is a “consumer” as that term is defined by 15 *U.S.C. 1692a(3)*.
6. Pursuant to the definitions outlined in 15 *U.S.C. 1692a(1-6)*, Defendant is a debt collector and sought to collect a consumer debt from Plaintiff which was allegedly due and owing from Plaintiff, and Plaintiff is a consumer debtor.
7. Defendant is a North Carolina limited liability company and debt collector with an office in Cincinnati, Ohio.
8. Defendant uses instrumentalities of interstate commerce or the mails in any business the principal purpose of which is the collection of any debts, or who regularly collects or attempts to collect, directly or indirectly, debts owed or due or asserted to be owed or due another and is a "debt collector" as that term is defined by 15 *U.S.C. § 1692a(6)*.
9. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

10. Defendant is seeking to collect an allegedly due and owed consumer debt obligation which was incurred for personal, family, or household purposes from a Wilma Hamner.

11. Defendant, using telephone numbers 704.553.7146 and 800.849.0088, places repeated, frequent, and excessive collection calls to Plaintiff at telephone number 513.531.8929, a group home for mentally ill women owned by Plaintiff.
12. Plaintiff has informed Defendant's agents on multiple occasions that the alleged debtor has not resided at Plaintiff's address for several years and could not be reached at the telephone number they were calling.
13. Plaintiff informed Defendant on several occasions to stop calling 513-531-8929 asking for Wilma Hamner because she could not be reached at that number.
14. Defendant's agents have informed Plaintiff they would put Plaintiff's telephone number on a "do not call" list but then continued to call multiple times a day including the following day after stating Plaintiff's number would be put on a "do not call list."
15. Defendant placed calls to Plaintiff on an almost daily basis. Defendant's frequent calls evidences that Defendant is placing calls to Plaintiff for purposes of making her telephone ring with the intent of harassment or annoyance.

COUNT I

DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

16. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d by engaging in conduct the natural consequence of which is to harass, oppress, or abuse any person in connection with the collection of a debt.
 - b. Defendant violated §1692d(5) by causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with

intent to annoy, abuse, or harass any person at the called number.

- c. Defendant violated §1692e(10) by the use of any false representation or deceptive means to collect or attempt to collect a debt or obtain information concerning a consumer.
- d. Defendant violated §1692f by using any unfair or unconscionable means to collect or attempt to collect a debt.

WHEREFORE, Plaintiff, Deborah Price, respectfully requests judgment be entered against Defendant, for the following:

- 17. Statutory damages of \$1000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
- 18. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- 19. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Plaintiff, Deborah Price, requests a jury trial in this case.

RESPECTFULLY SUBMITTED,

KAHN & ASSOCIATES, L.L.C.

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